

Remarks

Claims 1, 7 and 19 have been amended to clarify what is meant by “independent of the add/drop function”. We respectfully submit that these amendments are merely clarifying in nature, and will therefore not require further consideration and/or search by the examiner, as the amended claims are of similar scope.

We respectfully submit that our prior arguments still hold. However, we have amended the claims to clarify what is independent of the add/drop function. For example, looking at claim 1, the last claim element is deleted and is replaced with the two added claim elements (claim elements 2 and 5), which are of similar scope. However, they clarify that each signal can be independently compensated to reach a respective target value and **the target value** is independent of whether the optical path signal is selected for performance of an add/drop function or for establishment of a through path. We also clarify that it is the compensated signals which are subject to the add/drop function.

We note that in rejecting claim 1, the examiner states Cao teaches a system where dispersion compensation is independent of the add/drop function and corresponds to a target value. With respect this is not true. First, Cao does not mention any target value for its dispersion compensators. Indeed a key word search does not locate any occurrences of the words “target” or “value”. Furthermore, Cao only teaches the use of dispersion compensation fibre and therefore can not be adjusted to a different value after installation.

Furthermore, the examiner appears to be construing the claim limitation to mean compensated independent of the other wavelengths and prior to the 1x2 add/drop switches. While Cao teaches a separate compensator for each wavelength, the compensation is not independent of the add/drop function. The amount of compensation applied by compensators 330-n to each wavelength in Cao must take into consideration whether the wavelength will be subject to compensation in both modules 10 and 20 or only to compensation in module 10, which depends on the switch settings of the 1x2 switch (ie. whether the wavelength is passed thru or added/dropped). Accordingly, to the extent that Cao teaches compensating each wavelength to a target value (which is not admitted, but denied), the target value is not

independent of whether the optical path signal is selected for performance of an add/drop function or for establishment of a through path.

In any event, Cao cannot simultaneously meet the requirements of clause 2 and the requirements of clause 5 of amended claim 1. If Cao sets the compensating elements so that the compensation is independent of whether the path signal is dropped or passed through, he cannot independently set the compensation on a given wavelength channel for each of the N optical systems.

Accordingly, Cao does not teach or suggest the claimed the subject matter, either alone or in conjunction with the other cited references. Accordingly the rejection to claim 1 and its dependent claims should be withdrawn

Similar clarifying amendments have been made to Claim 7, and should be allowable for similar reasons to those presented above with respect to claim 1.

Claim 19 is amended to include the limitation of claim 24 and to also include the clause “such that each of the optical path signals for each of the two or more OADMs can be independently compensated to reach a respective target value, and each said respective target value is independent of whether the optical path signal is selected for performance of an add/drop function or for establishment of a through path” and is therefore allowable for the reasons given with respect to claim 1.

Accordingly, the rejections of these claims under 103(a) are believed overcome.

Should the examiner accept the above, we request the examiner make an examiner's amendment canceling claims 2 and 18 without prejudice to our right to pursue those claims in a continuation application.

Similar arguments apply to the remainder of the claims. Accordingly, all of the remaining claims are now in allowable form, and withdrawal of the rejections and allowance of the application is requested.

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No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

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